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U. S. Department of Justice
Office of Juvenile Justice and Delinquency Prevention

Diversion of Youth from the Juvenile Justice System

Project Orientation Resource Handbook

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DIVERSION OF YOUTH FROM THE JUVENILE JUSTICE SYSTEM:
Project Orientation Resource Handbook

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PREFACE

The initial task of program planning and development is crucial to any diversion project. Slippage at the beginning may sabotage or inhibit subsequent steps of implementation. Diversion projects are complex undertakings and are particularly vulnerable to public and institutional assaults. They can afford no less than the very earliest possible initiation of effective and efficient management.

Orientation is one tool available to managers which facilitates rapid establishment of formal and informal organizational structures and supports necessary to accomplish the project's goals and objectives. No single training design could possibly meet all the diverse needs of different projects in different places, but inherent in the goals of diversion itself are central themes and issues which commonly impact on all projects in a like fashion.

In a companion volume, Diversion of Youth from the Juvenile Justice System: Project Orientation Training Manual, we have tried to present a training methodology which will help design orientation programs so that they will be firmly grounded in the best available empirical and theoretical knowledge while at the same time be appropriately adapted to local needs. This volume presents narrative discussion of the content of a diversion orientation program.

We have tried to present this material in a way that will reduce the need for external assistance in planning and performing diversion orientation programs.

However, in most cases, some supplemental assistance will still be needed.

The National Office for Social Responsibility will be responsive to inquiries and, with direction from the LEAA Office of Juvenile Justice and Delinquency Prevention, will seek to give whatever aid will be useful.

ACKNOWLEDGMENTS

The National Office for Social Responsibility wishes to acknowledge significant contributions to this work provided by the Behavioral Research Institute, Inc. and the Center for Action Research, Inc. of Boulder, Colorado.

We are indebted to the staff of BRI for those sections addressing research on diversion and diversion program evaluation.

Previous work of Thomas E. Bird of CAR deserves special mention. The sections in the curriculum on "Components of Diversion Programs" are based on analyses and elaborations of "A Catalog of Technical Chores for Diversion" which was prepared by Mr. Bird under contract with LEAA.

Special thanks to Karlyn Carroll for preparing this publication.

Edited by Keith Boggs

Published by the National Office for Social Responsibility under contract no. J-LEAA-008-77 to the Office of Juvenile Justice and Delinquency Prevention.

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RATIONALES FOR DIVERSION

In the year 1899, the first juvenile court was established in the State of Illinois. The foundation for this history making precedent consisted of two emotionally appealing, but systematically untested assumptions: one, that the needs of troubled and delinquent juveniles were substantially different from those of criminal adults; and two, that a juvenile court system could be developed that, through an in locus parentis role, would operate in a therapeutic mode to informally, yet effectively, treat problem youth. Since then, experiment and experience has lent credence to the first of these ideas while simultaneously disproving the latter. Juveniles do indeed require for their rehabilitation and reintegration services of a different nature than those needed by adults. However, the juvenile court system has shown itself incapable of providing the proper medium through which to meet all these demands alone.

Proof for this statement is overwhelming. Since World War II, the delinquency rates have held steady or increased yearly. Moreover, since 1957, the juvenile court referral rate nationwide has jumped from 19.8 cases per 1000 children ages 10 through 17 to 33.6 cases per 1000 in 1972.

Even more disturbing than the fact that the juvenile

justice system has failed to reduce delinquency, however, is that recidivism rates (where attainable and credible) support the inference that correctional institutions for youth serve as a breeding ground for accelerated criminality.

The principal reasons for the juvenile justice system's inability to treat troubled youth effectively are clear. First and foremost, juvenile courts are increasingly overloaded by the sheer number of youth with which they must deal. The rate of delinquency has more than doubled in the last ten years; this has consequently led to an exponential growth in workload on the courts at a time when most are both understaffed and underbudgeted.

The problem of increased delinquency is, however, only one of the factors which functions to deluge court personnel with work. They must additionally deal with what OJJDP has referred to as "overreach of the law" - the necessity of handling such matters as status offenses, neglected children, dependency cases, etc., because other agencies do not provide programs to address these issues.

As a result of the inevitable systems overload flowing from these problems, the juvenile court cannot devote the time and energy necessary to assess and meet the needs of individuals. As stated in the OJJDP Program Announcement for Diversion:

> Courts are forced to bureaucratize their operations to such an extent that individuals under their care are too often subjected to dispositions based not on the child's needs but on the needs of the court to get the case out of the way and

> to get on to another one. People processing becomes the major work of the court. (Background, p.5)

Another reason for the juvenile justice system's failure is that it is simply not designed to adequately confront the wide range of complex social and personal variables which lie at the roots of troubled youth's behavior. The bulk of the limited resources which it does possess is by necessity channeled to the bureaucratic processing of youth referred to above. Even if the required manpower and time were available to diagnose the needs of each client, however, the juvenile court itself rarely has the within system capability to meet them. Therefore, youth end up being forced into confinement and/or activities which have little relevance to their problem's resolution.

The causes for the failure of the juvenile justice system to adequately treat youth are discussed above. The reason for it actually contributing to further socially unacceptable behavior, however, is the result of other factors. The principal one is explained by Social Reaction or Labeling Theory. Postulated by Tannenbaum in 1938 and further developed by Lemert in the early 1950's, it is essentially made up of two basic concepts. Briefly, the first states that when a person is pronounced to be in some way different (a "deviant") he or she will forthwith be viewed and treated as such by others. A logical extension of this idea then, and one which forms the heart of the theory as it it pertains to criminal justice, is that the labeled individual comes to accept the definition of his or herself as imposed by others. Having then internalized this conception of self, behavior will be adjusted to correspond with it.

The implication this theory has for the juvenile justice system is obvious. When youth are picked up by police and processed through the system, they are both publicly labeled and treated as a criminal. They are then isolated from the community at large, being subjugated to an environment which provides constant reinforcement for their new identity while simultaneously blocking their ability to assert themselves otherwise. The result is that the individuals come to believe in the part thrust upon them by other actors. And, as stated by Professor Delbert Elliot, "having accepted a delinquent role, delinquent behavior is no longer problematic - it is simply the epiphenomenal outgrowth of one's identity." Thus, even after leaving the juvenile justice system, the individual will carry the stigma and corresponding behavior imposed by that system.

Many of these problems and underlying causes have been identified and bemoaned by reformers for years. It was in 1967, however, that they received their greatest attention when given explicit recognition by the President's Commission on Crime. And it was the recommendation of the Commission which became the first major national step towards diversion. It suggested the establishment of Youth Service Bureaus to "handle many troubled, troublesome young people outside of the criminal justice system."

The movement towards diversion was given an even greater impetus two years later with the passing by Congress of the Juvenile Delinquency Prevention and Control Act. In administering this law, the HEW Youth Development and Delinquency Prevention Administration established objectives and guidelines which

began a concerted national effort to divert youth from the juvenile justice system and to deinstitutionalize certain youthful offenders. These objectives were very clearly drawn from and had their foundations in the premises of Social Reaction Theory. They openly accepted the hypotheses that negative labeling by others reduces an individual's access to more socially acceptable roles, thereby resulting in lower self-esteem and more deviant behavior.

Agencies other than HEW also supported the idea of diversion. In 1973, the Law Enforcement Assistance Administration's Commission on Standards and Goals stated:

> Every police agency should, where permitted by law, immediately provide that individuals who come to the attention of the police and for whom the purpose of the criminal or juvenile justice process would be inappropriate or in whose case other resources would be more effective be diverted from the criminal justice system. (Police Standard 4.3). Each local (correctional) jurisdiction in cooperation with related State Agencies, should develop and implement by 1975 formally organized programs of diversion that can be applied in the criminal justice process from the time an illegal act occurs to adjudication. (Corrections Standard 3.1).

Finally, in 1974 the Juvenile Justice and Delinquency Prevention Act was passed which mandated the OJJDP to place special emphasis on the development and implementation of effective means to divert juveniles from the traditional justice and correctional system. In doing so, the writers of the Act clearly stated that workloads must be reduced so that the juvenile courts

can concentrate on the more serious offenders. Simultaneously, other treatment alternatives must be developed.

A survey done in 1970-1971 estimated that 50,000 youth who were in immediate jeopardy of the juvenile justice system were diverted to other types of direct services. This number has risen since that time. Part of this has been solely in reaction to the fact that the juvenile justice system alone is not only failing, but, in fact dysfunctional. However, the use of diversion continues to grow for positive reasons as well: one, efficient diversion of youth may result in the reduction of court workload to the point where it may more appropriately concentrate on more serious offenders; two, diversion offers the potential for youth to be placed in alternative services which more directly and effectively aim toward personal problem resolutions; three, diversion may (though it is yet to be proven) result in less stigmatization of youth; and four, diversion programs have already displayed indications that they are less expensive per child to operate than justic system processing.

GOALS FOR DIVERSION

Unless rather aimless wandering is the express purpose of a journey, we will do best to decide on our destination before packing up and leaving. In like manner articulation of the goals of the OJJDP's diversion effort is the first and perhaps most critical step toward assuring that these goals will be achieved. Thus, we will explicitly delineate what these goals are and identify some of the programmatic implications they have for the planning and operation of each individual project.

The goals of the diversion effort, both as they are conceived of by OJJDP and as they are to be strived for by projects, are as follows:

- To reduce by a significant number the adjudication of juveniles alleged to be delinquent in selected jurisdictions over a three year period;

- To achieve a more comprehensive and coordinated approach to the diversion process through redirection and expansion of existing community resources and provision of more cost-effective services;

- To reduce delinquent behavior of those youth diverted by providing effective services to that portion of youth diverted who need such services;

- To improve the quality and efficiency of juvenile justice decision making;

- To develop and strengthen community-based service models which encourage youth employment and youth participation in decision making;

- To enable the juvenile justice system, as a result of diversion of less serious offenders, to concentrate more of its resources on the juvenile offender whose offenses preclude consideration of diversion; and

- To target youth who would otherwise be adjudicated delinquent.

The OJJDP's goals are quite comprehensive and the scope of the effort which is required by them broad. Because they are rather general in nature, they allo variation between projects in their mode of pursuit. At the same time, however, the attainment of these ends puts both certain demands and constraints on th project as to the types of procedures and activities that must take place.

A more complete understanding and working knowledge as to what the specific ramifications of OJJDP's

goals are for individual programs may be gained by both raising and discussing a number of key issues.

(1) TARGET POPULATIONS -- WHO GETS DIVERTED?

The initiative embraces all youth who would otherwise be adjudicated delinquent. (The guidelines speak in terms of "those at risk of further penetration"). This definition excludes those youth who would, under the present operation of the juvenile justice system, probably be filtered out of the system prior to court disposition.

In practice, the definition will also exclude youth charged with serious crimes such as murder, forcible rape, or armed robbery. Hopefully, with reduced demands on juvenile court services, the traditional system can concentrate more of its rehabilitative resources on these serious juvenile offenders.

(2) WHEN DO THEY GET DIVERTED?

Delinquents may be diverted anytime after apprehension by the police and prior to adjudication. Again, this excludes youth who would normally be warned and released or screened and referred to community services. Since diversion is seen as a substitute for adjudication, it also excludes adjudicated youth who are given alternatives to incarceration such as probation, foster homes, and group homes. Logical points for intervening to keep youth out of and remove youth from the juvenile justice system are:

- Pre-Police (prevention programs);
- Pre-Court (after apprehension);
- Pre-Adjudication; and
- Post-Sentencing.

For purposes of the OJJDP initiatives, howe
pre-court and pre-adjudication points are

(3) TO WHAT ARE THEY DIVERTED?

Youth are referred to community alternative
and independent of the juvenile justice sys
Where possible, services should be located
youth's community. The services should be
sporadic counseling. Rather, they should fo
services that enable the youth to develop a
mate identity: education, job training and
ment placement, family reintegration, and cu
programs. Referrals should be individualize
is, the service plan should be appropriate t
specific needs of the individual. Programs
be non-stigmatizing and should involve youth
planning and selection of activities that af
their lives.

A major task confronting grantees is to insur
services which meet the needs of youth within
jurisdiction are available. In some cases, i
tutional barriers to access may have to be ov
In other cases, grantees will have to take th
in catalyzing the development of new alternati
services, drawing upon existing community reso

A significant task of this initiative is developing a system of service provision. Various programs and youth service bureaus may be effective for selected youth populations. But piecemeal, sporadic program efforts are not sufficient for this effort. The grantees must provide procedures and mechanisms to insure the delivery of a complete range of services.

(4) HOW ARE THEY DIVERTED?

Two points to be considered: first, diversion should be an alternative to formal juvenile justice service processing. Thus, after referral, the youth should no longer be subject to court action unless he commits a subsequent offense which warrants arrest and referral to court. Second, the youth's decision to participate must not be coerced. The acceptance must be voluntary or there is the danger the process will significantly undermine juvenile rights.

The thread that ties together all of the objectives and their programmatic ramifications described above is the heretofore implicit theme which is the linch-pin of LEAA's overall purpose - that is, these diversion programs are established to stimulate ENDURING INSTITUTIONAL CHANGES THAT REDUCE THE FURTHER PENETRATION OF YOUTH INTO THE JUVENILE JUSTICE SYSTEM AND PROVIDE THEM APPROPRIATE ALTERNATIVE SERVICES. The consequences of such a purpose are clearly far-reaching, portending and requiring significant alterations in both the juvenile justice system itself and the general community which it services.

If project staffs are successful in implementing OJJDP's goals, the metamorphosis of the juvenile tice system will be striking. From what is, at sent, commonly a greatly overloaded system, unab deal appropriately with a large percentage of th youth before it, due to the sheer weight of numb the need for quick processing, and a paucity of sources, should emerge a system better equipped handle its reduced caseload of offenders efficie and effectively. Moreover, the system will at t point, be able to focus more of its attention on those types of youth which actually do require i services rather than those who are better treate through alternative programs.

The accomplishment of this end, however, cannot done solely through modifications in the juvenil justice system itself. The community at large m go through changes as well, both in the range of services it has to offer diverted youth and in t way it relates to the juvenile justice system. lic and private agencies will have to work toget to develop a sense of community responsibility t delinquents. Moreover, to be truly responsive t needs of diverted youth, coordination, both betw existing services and the juvenile justice syste between various service organizations themselves be required.

Project staff must identify missing resources or functioning links in the existing service system. Through establishing or reorganizing key componen the effective cooperative and diagnostic efforts be to insure better services, and that delinquent youth are included in a broader service network.

Juvenile offenders will be specifically and accountably included to the point where their needs are met in a way that is credible to the juvenile justice system and the community at large.

Change of the scope demanded by OJJDP's goals is rarely accomplished easily. There are those in the juvenile justice system itself who may fight it because of concerns for professional security and bureaucratic survival (since clearly, the activities involved in attaining the goals may require some organizational restructuring). Opposition may also be encountered from the community at large which fears being "deluged" with dangerous youth.

It is not only fear and anxiety which will have to be overcome, however. As the law of inertia tells us, a body at rest, if not stimulated, will remain at rest indefinitely. So it may be with the personnel of the juvenile justice system and community organizations. People are reluctant, if not down right hostile, to shifting their accustomed patterns of behavior, even if those patterns are not always the most pleasant. Familiar activities have a comfort of their own; new ones are almost always anticipated apprehensively.

What must be remembered, however, is that the operant phrase in the law of inertia is "if not stimulated". For it will be the responsibility of each project to, in fact, provide the needed stimulation, to meet the purpose of building enduring institutional changes resulting in the reduction in further penetration by youth into the juvenile justice system and providing appropriate alternative services.

DIVERSION RESEARCH AND THEORY

While there is a great deal of agreement about the desirability of diverting youth out of the juvenile justice system, and there is, as a matter of fact, a real rush to diversion programs with Federal, state and local agencies pouring money into them, there is surprisingly little hard evidence of the impact of diversion - either upon the youth who are being diverted out of the justice system, or upon that system itself. In part, that problem exists because there is, at this time, almost no agreement about what diversion really involves and there has been very little in the way of hard research into its consequences.

The definition of diversion proposed by the President's Commission and which has been endorsed by LEAA's Commission on Standards and Goals is: Diversion is a process of referring youth through an existing community treatment program or prevention program, in lieu of processing in the juvenile justice system, at some point between apprehension and adjudication. That definition provides for four elements of diversion:

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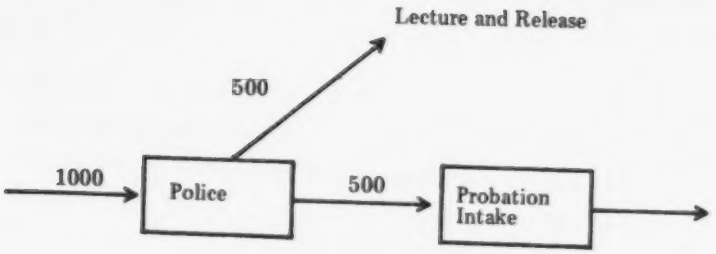
*This material is an edited transcription of a video tape recording of Delbert S. Elliott, Ph.D.

- first, diversion is to apply services and/or treatment;
- second, the services are to be provided outside of the juvenile justice system;
- third, those services are to be in lieu of further processing within the justice system; and,
- fourth, the diversion is to occur at some point between apprehension and adjudication.

It is important to note that diversion presupposes a community treatment program operating to receive youth who would otherwise be processed within the juvenile justice system. This is because there is a tendency upon the part of many programs and many people working in the field to confuse diversion with screening. In a recent publication, Rutherford and McDermit propose that diversion should be defined simply as an elimination of penetration or as avoiding further penetration. You can see by looking at the elements of the Commission's definition that their meaning involves essentially only the third criteria. It does not make the distinction between screening and diversion - a distinction between providing services or providing no services. For years, police have been lecturing youth and releasing youth. For years, the probation department intake has been making the decisions that it is not worth prosecuting youth and filing petitions to bring them before the court. The court has always exercised the privilege of dismissing charges. So, for a very long period, screening practices, that is, practices which involve exiting youth out of the juvenile justice system have been used, and used quite successfully by the police

and by the court. Diversion, however, involves something other than screening, because diversion requires that the youth who is diverted receive some kind of treatment.

Secondly, diversion is seen as a substitute for further processing, not as a substitute for screening. The two charts following, give a simple example of what is referred to here. If we look at the numbers on the top of the first diagram and reflect on what was happening in the juvenile justice system before a diversion project was set up, it shows that there were a thousand youth that were referred to the police in a given year; five hundred were lectured and released in that year; five hundred were referred on to the probation intake department; and since this was before the diversion project was really operating, no youth were being diverted. The next chart shows what happens when you again have a thousand youth who are apprehended by the police. But now, three hundred of those youth are lectured and released; two hundred are referred to diversion projects; and five hundred are sent on to probation intake. In this case, it's clear that diversion is being used as an alternative to screening, not as an alternative to formal processing. What's happened is that two hundred youth who earlier were being lectured and released are not being diverted to the diversion project. The probability of going on in the juvenile justice system is unchanged. Whenever that probabilty is unchanged, diversion has not taken place, because the project has not affected the likelihood of an individual going on further in the system. So, the second thing to say is that diversion ought to be in lieu of further processing not an


Lecture and Release
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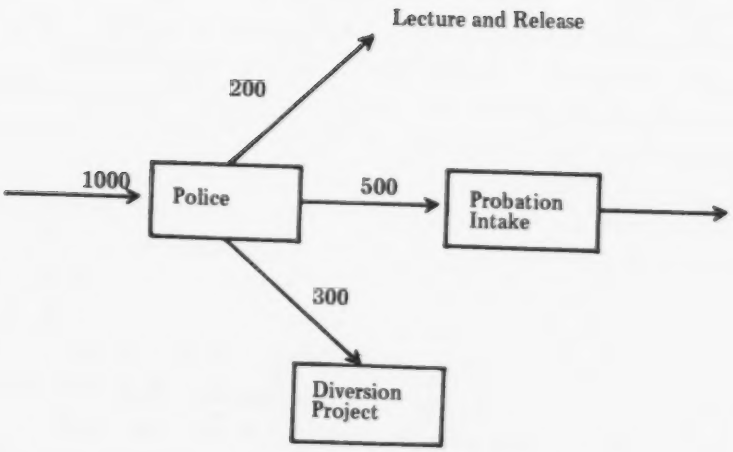
Probation
Intake


Lecture and Release
200
1000
Police
500
Probation
Intake
300
Diversion
Project

alternative to screening. It ought to be an alternative to formal processing and adjudication.

The third thing that is implied by the definition of diversion from the President's Commission was that the treatment ought to occur outside of the juvenile justice system, not inside. The basic challenge that the President's Commission gave to the community was to develop alternative programs in the community, and, of course, the basic reason for moving outside the justice system to the community was the concern over stigma - a concern over the fact that youth who were being processed in the juvenile justice system often, as a consequence of their processing, were labeled, were stigmatized, and that stigma had the effect of pushing them in the direction of more delinquency and not less.

The fourth thing that grows out of the definition of diversion proposed by the President's Commission is that diversion should take place between the point of apprehension and adjudication. There are many programs that call themselves diversion programs which involve youth who have already been adjudicated by the court. That seems to fall clearly outside of the scope of what the President's Commission was talking about when they proposed diversion as an alternative to formal processing. If we stick with that definition, all of those alternatives which result after a child has been adjudicated a ward of the court would not be considered diversion projects.

Finally, the President's Commission made it very clear that they hoped that the provision of these kinds of services in the community would be noncoer-

cive. They were concerned that the coercive element of the court not be simply transferred to elements i the community, but that the services provided by the community would be voluntary. Of course, the assump tion is that treatment under conditions in which the client has voluntarily agreed to be involved in that program or to seek those services are much more ef- fective than programs in which an individual is re- quired under mandate and some penalty of the court t participate. That is the basic purpose of diversion programs - to provide treatment in the community whi is nonstigmatizing and provides youth with a set of positive experiences, new opportunities, and effec- tive resolutions of the problems and difficulties which led to their coming to the attention of the ju venile justice system.

Prior research in the area of diversion has been quite limited and can be critized on several counts. Except for one or two studies, there has been no sys tematic evaluation of the impact of the three alter- natives which are available to the police. At the point of apprehension, a police officer may decide t lecture and release a child or he may decide to file a petition referring him or her on in the system to the probation department, or he may decide to refer him or her to a diversion program. In no case, prio to 1975, were there any studies which looked system- atically at those three dispositional alternatives to see if it made any difference whether a youth was maintained in the system or treated outside of the system, or whether he was treated at all. There has been a lot of discussion. There are several books, that have been written dealing with those three alte natives, but none of them really dealt with any hard

research data that could be used to document in detail what the consequences of the police making that dispositional judgment would be. The same can be said for the court, probation department, or other elements of the juvenile justice system.

Another concern is that the focus of most evaluations growing out of diversion programs has been upon the content of the treatment that has been provided. For example, evaluations are available which compare traditional counseling techniques with some kind of new group counseling approach, or, compare a particular kind of group placement with providing educational and employment services. For the most part, the evaluations have compared these different kinds of treatment content and have not looked at the question as to whether or not it is important that treatment be provided inside the justice system or out, or whether or not any intervention would be desirable for that particular youth at all. Edwin Shure has made an excellent argument for the fact that if stigma were our only concern, the best alternative would be to lecture and release all youth. On the other hand, if the kids who come to the attention of the police have some real serious problems, then treatment ought to occur or some kind of intervention is normally required, and the question is, whether that should be inside or outside of the juvenile system. The evaluations of the diversion projects simply have not usually dealt with those issues.

There has also been an almost total lack of any kind of theoretical model or orientation to the evaluations. In fact, it's clear that apart from common references to labeling theory, diversion programs

typically have no theoretical orientation that is used as a basis for guiding the kinds of treatment that they are providing the youth. That lack of theoretical basis for diversion is a serious criticism, and one that needs to be addressed.

A fourth criticism of diversion programming and evaluation in the past is that there has been an almost total emphasis upon recidivism as the success criteria for those programs. That's an unfortunate circumstance since recidivism is a very poor criteria for program success for a number of reasons. One, it misses a whole range of changes in behavior and attitudes which may well occur, and yet, not be apparent in the probability of rearrest. It's also particularly unfortunate that recidivism is being used as a criteria for diversion which is tied in with the probability of rearrest. If a diversion program stigmatizes youth, no matter what changes it is likely to make in that youth's behavior or that youth's attitude, it probably has not affected the probability of rearrest in a favorable way. It has, in fact, probably increased the likelihood of rearrest by making the child, or the youth, more visible to the police and to the community control agents. When we are evaluating programs which have a potential for stigmatizing youth, it is important that we not use recidivism alone, because it is tied up with, and bound up with, the stigmatization processes.

Recidivism is one criteria for evaluating its success, but clearly it ought not to be the only, nor even, the major criteria, for judging the success of a program. It seems very likely that a youth could benefit greatly from the program and yet, have a subse-

quent arrest by the police which does not really reflect the positive changes that have taken place in his life as a consequence of treatment.

A fifth criticism is that, in most cases, studies have involved comparisions of correctional alternatives. As a matter of fact, there is almost a perfect inverse relationship between how far youth penetrate the system and how many studies have been done about the treatment alternatives at that point. There are many, many, more studies about correctional alternatives than there are about alternatives at the point of police contact. The significance of that, of course, is that the whole labeling hypothesis suggests that the earlier that you can divert a youth out of the juvenile justice system, the better, because the further he is processed in the juvenile justice system, the greater will be the potential for negative labeling and the greater the potential for stigma. The earlier youth are diverted from the juvenile justice system, the less likely they are to suffer adverse consequences of that process.

Finally, there have been few studies which looked at the impact of setting up and operating a diversion program on the juvenile justice system itself. Clearly, if large numbers of youth are diverted out of the juvenile justice system, there will be serious consequences for agencies within that juvenile justice system. But, prior to 1975, there were no studies which dealt systematically with what kind of impact diversion would have upon the policies and practices of those agencies.

In 1975, one study was done with the L.A. County Sheriff's Department by Matt Cline out at the University of Southern California. That study involved an assignment of three hundred and six youths to three different dispositional alternatives. Those three alternatives being: lecture and release; referral to the probation department; or referral to a diversion program. In that particular study, the youth assigned to those three groups were assigned by random processes. It was a good evaluation design. It began with randomly assigning youth to those three alternatives so that the possibility of those three groups being equal at the beginning of the study could be tested by rigorous statistical techniques. It was a type of design which allowed outcomes from those three dispositional alternatives to be compared. Cline's findings led him to conclude that delinquent behavior contributed less to the differentials in rearrest, or recidivism, than did the visibility of youth to the police. Recidivism was looked at in two different ways: One, was the probability of a rearrest, the proportion of youth in each group who were rearrested one or more times; second, was the rate of rearrest. What Cline discovered was that there were no differences in actual behavior of youth in those three groups. Using a self-reportive measure of delinquency, he discovered that all three groups had approximately the same level of involvement in actual delinquent behavior. But, when he looked at recidivism, he discovered that the youth that had been referred to the probation department had significantly higher rearrest rates than did those youth who were referred to diversion programs, who had higher rearrest rates than those who were lectured and released. It is important that

the actual behavior of those three groups was not different insofar as that study could detect. The differences in rearrest had to do with which alternative youth were assigned. If they were assigned to probation, they appeared to have the highest visibility and the highest probability of rearrest regardless of what their self-reported rates of delinquency were. This is strong evidence that there is stigma which is associated with formal processing and suggests, incidentally, that there also might be some stigma associated with diversion projects in comparison with a lecture and release option.

Another study which was conducted by Elliott, Dunford, and Blanchard involving diversion projects in two cities - Philadelphia and Boise, Idaho. Involved comparing matched group of youth who were assigned to diversion programs and to probation. In this particular analysis, there was a three time series interviewing panel design. That means that those youth were interviewed at the point they entered probation, or the service bureau; again six months later; and yet again another six months later. The first follow-up measure occurred just about at the point that youth came out of the program and the long-term follow-up occurred after they had been out of the program for about six months. The study indicated that at the end of the six-month period no differences in negative labeling could be detected. Six months later, this is twelve months after they entered those programs, a substantially lower perceived negative labeling upon the part of the youth who had been in a diversion program was detected. It is interesting to note that the difference was that the kids in the diversion program had a de-

clining involvement or a declining perception of negative labeling after they got out of the program. Youth who were on probation did not show that same decline in stigma. It appeared in that particular study as though the effects of being in a diversion program, or being in a probation program, were not realized until after youth were out of the program and then began to perceive some possible consequences of that experience. Again, the evidence is in favor of diversion programs - the diversion programs appear to be less stigmatizing than traditional probation experience.

There were several other studies done by the Behavioral Research and Evaluation Corporation in connection with the evaluation of delinquency prevention programs in HEW. First of all, there appeared to be some relationship between the proportion of the clients in a diversion program coming from the juvenile justice system and the possibility of stigma. Those particular diversion programs that had a reasonable mixture of youth coming from the juvenile justice system, from schools, self-referrals, and referrals from other agencies in the community, outside of the justice system, tended not to have stigma associated with participation in that program. Those programs which were set up and relied exclusively upon referrals from juvenile justice systems were the programs that had the greatest difficulty with stigma. Youth in those programs often tended to see participation in that program no differently than they saw involvement with the probation department. Secondly, diversion in almost every case, in almost every project that was evaluated, produced more positive attitudes among the youth towards the

treatment that was being provided. That is, youth in diversion programs had more positive attitudes toward their experiences than did youth who were being handled or treated in a traditional probation setting. A third conclusion was that in most instances, it looked as though the establishment of diversion programs widened the net; that is, the kids who were being diverted were being diverted as an alternative to lecture and release, not as an alternative to formal processing. The effect of that, of course, was that larger proportions of kids were being captured in the juvenile justice system and the diversion project together. Finally, a cost-savings associated with diversion programs was observed. On the average, the diversion programs cost $30,000 less to operate than processing an equivalent number of youth in traditional justice systems.

Let's turn now to consideration of a theoretical orientation which will offer some direction to diversion programs. First, remember that diversion is to be an intervention without stigmatization. That means that the theoretical foundation for diversion programs must go beyond labeling theory. It is true that the programs ought to be nonstigmatizing, or they ought to have as little stigma associated with participation in the programs as is conceivable. On the other hand, to say that you don't want to stigmatize youth does not give you a great deal of direction with respect to the kinds of services that you ought to be providing. The kind of theoretical model that is proposed for diversion programs involves an integration of two traditional theoretical approaches to delinquency. First, being strain theory, and the second being control theory.

Strain theory involves the assumption that delinquency is the result of socially-induced stress. That is, delinquency really represents an adaptation, a response to blocked opportunities, to limitations in achieving one's personal goals. There is a large body of strain theory derived from Robert Merton's work on social structure and anomie and recently from Richard Cloward and Lloyd Ohlin's work in delinquency and opportunity. It is that theoretical model which was behind programming like Mobilization For Youth, Neighborhood Youth Corps, and those kinds of approaches to delinquency prevention which attempted primarily to provide for increasing opportunities for youth on the grounds that providing them with increasing opportunities, providing them with positive success experiences, can ameliorate the problems which led to their delinquency.

Control theory posits a slightly different approach. Control theory argues that individuals become involved in delinquency because they have no constraints upon their behavior. It is essentially an argument that the early socialization experiences of some youth fail to result in their internalizing social norms - fail to provide them with integration into a conventional conforming social context. They were not loved and accepted at home. They were not involved in the academic or the extracurricular activities at school. Later on, they were not in work roles, not involved in meaningful kinds of peer-group relationships. So, they were free. They were free from any kinds of conventional social restraints from their peers or from their families. That argument simply says that youth who are not integrated into social groups are not subject to the

normal sanctioning networks which operate in those groups. They received no positive rewards from those groups, and hence, they have no stake in conformity. There is nothing to lose by their becoming involved in delinquent behavior.

There is a way of integrating those two perspectives into an integrated model of delinquency. It deals with whether or not youth have internalized conventional norms. Whether they feel morally obligated to abide by the rules of the society, and whether or not they are integrated into conventional groups and into conventional activities, and subject, therefore, to the sanctioning networks of those groups and those activities. Strain, to us, seems to fit that model if we assume that some invididuals who initially had strong bonds to society - individuals who were integrated in the conventional social groups, come from good family situations, are doing well in school, and are integrated into conventional social groups - are exposed to failure experiences, have difficulties associated with a divorce in their home, or are subject to other kinds of disorganizing influences such as death at home, such as dropping out of school or failing in that context. There are a certain set of experiences which could serve to attenuate strong bonds and essentially put persons into the same kind of social situation as those who had no bonds to begin with. The difference between the strain and control theory is thus, a question of time. And it is possible, or it's logical to argue that those people who fit the strain model are simply a special case of the control model. They are those who have initially strong bonds which are then subsequently attentuated by failure experiences, or difficulties

that they were having at home or at school, or in the area of employment, which led them into delinquent behavior.

If we buy that particular theoretical orientation to delinquency, it suggests some very specific kinds of direction for programming in the area of diversion. First, the targets for intervention involve attempting to build bonds, attempting to strengthen the tie that an individual has with conforming groups. It requires trying to integrate him into conventional kinds of social activities in the family or at school, or at work. Providing a youth with a job, is an example of providing him with access to a conventional kind of social role which will serve to integrate him into work. It requires that he meet certain kinds of rules and obligations in order to hold a job, it ties him into a sanctioning network where he receives not only monetary reward, but he also receives some sense of personal competence, some sense of belonging and participation from others that he is working with. In that sense, you are integrating him into a conventional social context; you are building his stake in conformity by getting him some kinds of social rewards and holding up for him a set of rules that prescribe appropriate behavior for him in that social role. Another target would be strengthening the extent to which an individual felt committed to conventional norms. That is called an internal bond. That is, building his own sense of personal commitment to conventional norms and values. A third target for intervention would involve changing participation in commitment to delinquent groups. The theoretical model that is proposed suggests that involvement in delinquent groups is a sufficient, but

not a necessary cause of delinquency. Recent research has clarified the fact that delinquent groups are often involved in generation of delinquency. They play a vital role in producing delinquent behavior. And one target of intervention with this theoretical model would be to attempt to change an individual's commitment to, and integration into that kind of a group which really has a set of negative consequences for his behavior.

Given that kind of theoretical orientation, it is clear that diversion programs ought to be involved in the delivery of both hard and soft services. Soft services, traditionally defined as involving various kinds of counseling modes, are essentially attempting to manipulate the individual's commitment to conventional values and to the normative structure; attempting to convince the individual by changing his attitudes or his orientation towards rules, towards authority, and trying to build an attachment to conventional norms. Hard services, on the other hand, involve the other type of bonding, that is, trying to integrate a youth into conventional kinds of social roles. Getting jobs, providing tutorial experiences, educational experiences to help integrate a youth into the classroom and into success experiences at school. Those are two kinds of alternatives which deal with an intent to manipulate the environment, to integrate the youth into conventional social roles and to building an attachment in terms of his values or attitudes to conventional norms. It is interesting to note that 90% of the services which are traditionally provided in diversion programs involve soft services. They involve counseling modes primarily.

NOSR TECHNICAL ASSISTANCE SERIES

THE COMPONENTS OF DIVERSION PROGRAMS

INTRODUCTION

Diversion projects have to address six major areas of activity. They must:

- direct the initiation and evaluation of their projects;
- establish a system to provide services to youth;
- establish a process to place and track progress of youth from diagnosis through termination;
- remove youth from the juvenile justice system;
- insure that the rights of juveniles are not violated at any step of the system; and
- plan and implement steps to insure that improvements occur in communities which confirm, complement and preserve the initiatives.

GUIDANCE COMPONENT

The effectiveness of projects depends on their being organized to insure efficiency and accountability. Some entity or entities must guide the process and develop procedures that touch all facets of their contracted mandate: administration and staffing, assessment, objective setting, budget considerations, evaluation, and planning for long-term concerns. The complexity of these matters varies among projects depending on the size of the geographic area and the number of youth within the target population.

We do not prescribe administrative configurations or processes. Rather, our purpose is to identify immediate areas of organizational and fiscal concern.

ADMINISTRATION AND STAFFING

The component that "guides" organizational and procedural development is composed of people in a number of places doing a variety of different but related tasks. Projects must develop rational administrative configurations and divide responsibilities in a way that insures effectiveness and accountability.

The initial task of program planning and development is crucial. Slippage at the beginning may sabotage or inhibit subsequent steps of implementation. Poor planning may produce early overexpenditures and insufficiency of funds later in the project. Additionally, these complex undertakings are partially vulnerable to public and institutional assaults.

As the central coordinating function, the size of the planning and development unit will vary according to the size of the area, the specific focus of the project, and the stage of the project's development. Initially, only three or four people may focus on program development and budget analysis. As the project nears implementation, embracing broader skills and coordinating personnel to gather data and work with contracted service providers, the number will increase substantially.

When projects start handling youth, grantees may regionalize operations to facilitate reintegration of youth into their communities and to reinforce public acceptance of local responsibility. Thus, city-wide or county-wide projects may establish satellite centers, neighborhood offices and other decentralized administrative units. There must be a clear delineation of responsibilities and relationships between the central and regional offices.

The central office will probably maintain an overall coordination and planning role. It will have responsibility for record keeping, budgeting and allocations among regions, budgeting expenditures, accounting for fund allocations, contracting with service providers, contract review and modification, assessment, evaluations, monitoring overall operations, and staff training.

Regional offices will be intimately involved in dealing with youth and service providers. These activities might involve direct delivery of services (counseling, referral, advocacy), per child accountability,

monitoring progress of individual youth and the quality of services rendered, and working to increase community tolerance and support.

Good personnel is another crucial element for program success. Projects need to develop a system of recruiting, screening, interviewing and hiring that attracts people who are qualified by experience and temperment for the job. Mailing formal announcements or advertising will not produce a pool of qualified candidates. Intensive investigation of peer groups, professional associations, state bureaucracies and community organizations is necessary. Check-outs must insure that the person hired has the requisite experience, foresight, commitment and political acumen.

Good personnel may be located right in the grantee's backyard, working within the local juvenile justice system or other social service agencies. Reorientation and retraining may be in order but is often compensated for by experience, contacts, and local insights.

ASSESSMENT

Programs must conduct assessments and engage in extensive data gathering activities in order to do comprehensive, adequate planning and to provide baselines against which to measure changes over time. Two areas must be considered: analyzing justice system operation and assessing youth needs for services. Each entails a sequence of activities.

ANALYZING THE JUSTICE SYSTEM

Projects must precisely describe the existing status of juvenile justice systems' policies, regulations and practices. This description should quantify youth who are processed through or reside at different points in the system and explain how they got processed to each point. The description must include both process and output to be useful to planners.

ASSESSING YOUTH NEEDS FOR SERVICES

Projects must identify where programs should be located and what needs they should address. Data to be collected included demography of target population including age, sex, race, time spent in institutions, placement history, and family status; diagnostic testing results such as reading abilities, and/or disabilities and general medical; and, youth's own assessments of what they need.

Information may be gathered through review of case files, interviews of case workers, discussions with other juvenile justice system personnel, and surveys of youth.

Project staff must then analyze the gathered data to determine what types of programs are needed in various locales to meet the needs of the target population. Two major factors may be gleaned from the data. First, there is a geographic distribution, since the idea is to provide services to the youth in the community in which he resides. This factor will be relatively minor for those projects that encompass

a small geographic area, but for city-wide or county-wide projects a neighborhood breakdown will nonetheless be useful.

The second major factor is the combination of the juvenile's behavior and his family status. In most cases, projects should attempt to send the youth home and provide follow-up services. But, a youth may be placed in a residential program if his behavior cannot be controlled by the family. This may be due to the behavior itself or the lack of family structure to deal with it successfully.

After these gross factors are mapped, more refined decisions must be made on the basis of other demographic information; e.g., race, sex and age.

Projects should strive to make programs as pluralistic and non-stigmatizing as possible. These factors must be weighed into the decision-making process.

Having completed this process, projects should have a clear idea of where programs should be located, the anticipated demand for services, and what types of programs will be necessary. The program choices fall into two categories: residential and non-residential. Each entails an attendant cost which should be considered when developing an individual's service plan.

Having decided what programs are needed and where they should be located, projects must then determine what services are currently being provided by existing community agencies. The survey of existing community resources should include all public and private providers. In the public realm, all social services

agencies should be included: education, mental health, manpower and other institutions of state and local government. Examples of private agencies are: family and children's services, United Way agencies, drug treatment programs, and alternative schools.

Ideally, such a survey would demonstrate that all service needs could be automatically filled by existing community resources. This is unlikely. The survey will probably identify four classifications of services providers:

- those which excellently meet needs;
- those conducting the appropriate program but needing modification or improvement;
- those who can develop/adopt program models that do not exist; and
- those not useful to the project.

It will also identify services needed but no one is providing.

SETTING OJBECTIVES

With data on needs and the existing services, grantees may then set measurable objectives for change or maintenance of the existing situation. As will all objectives, they should be specific, measurable, timephased, and realistic. These objectives will provide guidance for the total project. The objective setting exercise will force grantees to

consider many operational facets that otherwise might be omitted from the planning process. Objectives should focus on:

- modifying the scope and thrust of existing services;
- modifying procedures for handling youth; and
- selecting specific targets for change.

The objective setting processing should also focus on identifying constraints to change and developing methods of dealing with those obstacles. The constraints may be legal, financial, programmatic, or political.

Objective setting, as with planning in general, should be considered as a dynamic process. Objectives should be reviewed regularly to insure that they reflect changing conditions and emerging understandings.

BUDGET CONSIDERATIONS

Despite the generosity of OJJDP, projects will probably not have sufficient funds to "do the job" if they rely soley on grant monies.

As time goes on, resources should be shifted from traditional correctional institutions. The task, then, is to leverage additional resources out of the existing dollars spent on youth within the jurisdiction.

BUDGET ANALYSIS

The starting point is for projects to perform budget analyses of present dollar expenditures. The task is to identify who is spending how much for what kinds of purposes. Immediately identifiable sources of supporting funds are the SPA Block Grant and the state (or local) youth authority through budget increase or reallocations.

While these may be resources of first resort, grantees should closely examine other potential sources such as ESEA, Title I, The Social Security Act, Title XX and IV (b), Runaway Youth Act and Child Abuse and Neglect Act, CETA, NIDA, NIAAA, private social service agencies, civil service, United Fund contributions, general revenue sharing, and private foundations. They need to identify all of the potential supporting dollars.

NEGOTIATION

Negotiations should be pursued with the respective agencies to redirect and coordinate resources for the target population.

Coordination of resources does not necessarily require transfer of dollars. Private agencies may agree to redirect the focus of their services. Other state agencies may develop facilitative systems to process and service youth in the target population.

The task requires imagination. While Civil Service cannot pay for youth treatment, the agency might be amenable to paying for retraining of present institutional employees for new roles in diversion. It requires political sensitivity and savoir faire. A person whose agency is threatened by the new initiatives may be unwilling to support the effort unless he/she is committed to, and involved in, the planning processes. (For this and other reasons, a Task Force is discussed in the Community Change Component below.)

BUDGETS FOR PROJECTS

Having generated support dollars in addition to the LEAA funds, projects may now budget their activities defined in the objective-setting phase. Budgeting should reflect grant funds, additional appropriations (e.g., SPA) and in-kind services.

ALLOCATE

Allocations must be made among prioritized activities among regions and among target populations. Such allocations should reflect degrees of need and the projected costs over the life of the project with suitable mechanisms for revision.

EVALUATION

The guidance component should make provision for appropriate assessments and evaluations of the project.

Evaluation data must be available to national and local contract evaluators. And evaluation findings should be incorporated into reprogramming activities. Evaluation data may emanate from the service delivery system, from case managers, from the juvenile justice system, and from the clients themselves.

Some evaluations may be initiated by the projects for local programming and political purposes. These evaluations need to be designed, interviews conducted, data collected and processed, and findings analyzed and interpreted.

Conformity with OJJDP's Diversion Guidelines requires random assignments of youth to diversion with and without services and to traditional juvenile justice processing.

PLANNING FOR LONG TERM CONSIDERATIONS

Lasting and pervasive community change must be planned for from the beginning of the project. Specific activities are discussed below under the Community Change Component.

The guidance unit, in particular, must provide for the continuation of programs after termination of the grants. This should be built into the project by planning for leveraging funds from existing resources at the outset of the projects. At the same time, negotiations should be pursued to secure permanent local support of effective programs. The guidance unit should also take the lead in locating and applying for continuation funds.

SERVICE DELIVERY SYSTEM COMPONENTS

The task facing projects is to utilize existing community resources to build an effective, cost-efficient service delivery system for their clients. Some services may be provided directly by the project. In most cases, however, total direct delivery is antithetical to the notions underlying the diversion initiatives. This would only replicate the existing system. Youth would once again be stigmatized by their association with the structure. Opportunities to interact in programs would be eventually limited and bureaucratic stranglehold would once again slip its fingers around the neck of new ideas.

Rather, the system should rely on a multitude of service deliveries whose client population is not exclusively offenders. Many such potential service vendors already exist in both the public and private sector. The task becomes one of coordinating these service programs to insure that all needs of the target population are met.

There are five major elements in establishing a delivery system:

- assessment of program needs;
- program development;
- establishment of contracting and payment processes;
- assistance in program implementation; and
- monitoring and recontracting cycle.

ASSESSMENT OF PROGRAM NEEDS

This element is presented in detail above within the guidance assessment function. The assessment focuses first on identifying and quantifying the target population for diversion in terms of needs and demography. These factors can then be mapped to show what types of services are needed in what geographic locales.

The program needs assessment next focuses on surveying existing community resources. This survey identifies providers and gaps in service alternatives.

PROGRAM DEVELOPMENT

The objective of this activity is to solicit the cooperation and involvement of the broadest relevant cross section of service providers for inclusion as components of the delivery system. The steps involved are basically those of a grant solicitation process with technical assistance provided by projects to service vendors.

Projects must decide which services they will provide directly. All projects will probably provide some direct service functions depending on the operative design, theoretical foundation and phiosophical persuasion of the project manager.

Projects should develop requests for proprosals (RFP's) for each program service it desires to purchase or utilize from outside the project. RFP's should be brief (three to five pages) and elicit in-

formation essential for decision-making. Proposals should address: target population, location(s), description of service(s), and staffing patterns as well as response to any specific criteria.

RFP's should be advertised as widely as is feasible. Briefings of potential providers may also be useful. Again, the idea here is to draw in as many existing community service providers as possible. Project staff should especially ferret out quality vendors who might be reluctant to think themselves able to respond. Even if a vendor is not selected to operate a program, the process develops contractor interest and capability which may produce results in subsequent years.

Projects should offer technical assistance to potential contractors. Project staff should attempt to establish cooperative working relationships with vendors, not to the point of corrupting the solicitation process, but to insure that quality providers become involved.

Projects are in the position of influencing agencies to provide needed services. Some resource contractors may be supplying the appropriate program, but project staff will have to work with contractors to adopt, expand, relocate and/or improve their offered services.

In other cases, a community contractor may operate exactly the right program but refuse to accept the project's clients. Project staff should make every effort to convince them to accept "delinquents". In

addition, the project could offer financial support that would enable the service provider to expand its operation size to include diverted youth. In the case of developing nonexisting services, project staff might work with contractors to adopt models from other places for local circumstances.

Technical assistance offered to the contractors by the project staff should include all areas relevant to designing the program proposal including budgeting, staff patterns, salaries, daily program content, facility criteria, behavior management planning, training planning, office facilities, and so on.

Project staff may utilize either group conferences and/or one-to-one communication as a technical assistance technique.

Having gathered proposals submitted from the widest range of potential providers, projects should then review and select contractors. This process should be carried out by a technical team with legal, program and fiscal capabilities. This may also be an opportunity to add community input by including representatives of concerned but uninvolved agencies and organizations.

Projects should develop a set of specific criteria. These will include:

- program staff capability, especially the program director and other principals;

- serviceability of facility for program purposes (probably based on a tour of facility by member of technical team with program director); and

- evaluation of proposal in response to RFP.

All selected programs should avoid tainting the participating youth. They should foster participation between youth not connected with the juvenile justice system and the target population. They should not segregate or isolate youth for treatment purposes. They should avoid using labels which carry or acquire adverse connotations for the youth or organizations with which they are affiliated. Programs should have sufficient differentiation to meet client needs but minimize segregation of delinquent populations.

Programs should also provide for involvement of the youth in matters which affect their lives. They should increase youth participation in decision-making regarding immediate practical situations in whic youth are found, e.g., the classroom and work experience. The program should provide opportunities for the participants to perform useful services in a neighborhood or to other youth, assuming appropriate recognitions and rewards. Finally, programs should insure voluntary participation by involving youth in activities which the youth choose and agree are beneficial.

Residential programs should meet additional criteria. There should be appropriate in-house programs, procedures and activities covering such areas as: supervision, house rules, client participation in

housekeeping, education programming, recreation, crafts, in-house counseling.

Residential programs should also provide appropriate relationships and interactions with the world outside the residence. This includes participation in work, school and recreation. Interaction with peers and family members is vital.

CONTRACTING AND PAYMENT PROCESS

The technicalities of a purchase of service system can make or break a program. If contract approval is unnecessarily held up, implementation of programs may be delayed, thus hampering the effectiveness of the entire system. Similarly, if contractual arrangements are too informal, program specifications may be unclear or sloppy, resulting in a failure to provide adequate specification of expectations to contractors. Worse still, over-spending or fraud may occur.

On the payment end, if invoices are not processed in a timely fashion, cash flow problems may cause programs to fail. Many existing community resources may be relatively small and unable to absorb a month's payroll. For a project that threatens an entrenched bureaucracy, any flaw in dealing with monetary integrity could jeopardize the entire local effort.

Projects can draw up a reasonable contract form which includes performance criteria and a termina-

tion clause. The contract should, at a minimum, contain:

- services the agency will provide;
- roles and responsibilities the agency will assume with referred youth;
- programmatic improvements to be made during the contract period;
- roles and responsibilities of the grantee in regard to agencies and youth;
- the rate of payment; and
- reporting requirement for tracking.

The same procedure should be followed in mapping payment processing, verification requirements, reporting requirements, signatory approval, length of approval time, and so on.

PROGRAM IMPLEMENTATION

Having selected the program providers and contracted for services, projects must insure that the vendors will deliver quality services and that the program will run smoothly. Projects should be in the position of supplying technical assistance to the program operations to get the programs up and going. Several areas need to be covered:

- staff orientation;

- client orientation;
- contract programming with client;
- behavioral management in a crisis situation;
- recreation and vocational programming;
- liaison with families;
- termination;
- fiscal processing;
- personnel policies; and
- budget management.

In terms of training program staffs, the project may also need to expand its staff, if only on a temporary basis. Again, grantees may look to the traditional institutions drawing upon selected staff. Institutional staff has dealt with each phase of program operation to some degree and their experience in areas such as behavior management, diagnosis and contract programming will be valuable.

MONITORING AND RECONTRACTING CYCLE

After trained staffs are on board and providing services to the youth, the projects must continuously monitor vendors to ensure high quality of the services provided. A major argument in favor of purchase of services is that it does not lock projects into programs of poor or deteriorating quality. Contracts should provide for annual review and include a termination clause. Without regular monitoring, however, there is no way of insuring compliance with the contractual terms.

Projects must establish a process of monitoring programs that touches four areas:

- ongoing technical assistance program development including developing standards for various types of services;

- regular monitoring and reporting by caseworkers of each client's progress. Such tracking should already be included as part of the case management system and caseworkers should include observations about the placement itself;

- semi-annual or annual visits by monitoring and evaluation units. Small teams can tour and report on program strengths and weaknesses. Evaluation teams can utilize the standards developed above to measure project performance; and

- annual review of contract. All data collected by caseworkers and evaluation units should be reviewed. Relevant actions in the review process include; fiscal and legal personnel, caseworkers, evaluations and technical assistance performed. The decision involved more than the issue of recontracting. Weaknesses disclosed from the data should be examined for possible correction. Changes to be made should be built into the new

contract after negotiations with the program vendor.

CASE MANAGEMENT COMPONENT

The success of projects hinges on their ability to respond to the individual youth and take risks with him. They must assume responsibility for the individual, derive a treatment/service plan that the youth can buy into, insure that the individual is receiving the help he needs and terminate him in a timely fashion with appropriate follow-up. There operational functions are discussed below.

INSURE PER CHILD ACCOUNTABILITY

Case management systems are well known and widely used in worlds of social work and child welfare. In a traditional institution, the paucity of treatment choices has meant that case management help has little relevance and, thus, has not been widely utilized. Now, with youth receiving services from a variety of sources, tracking the individual's progress and monitoring the quality of services delivered becomes a vital function. Local, decentralized responsibility is important. Placement of youth into alternative programs is often a haphazard process. The police may apprehend the young person and merely drop him or her off at the project. This can often occur late at night. Someone needs to be responsible to accept the youth upon this initial contact in a manner which will effect a good beginning to what

may well be a fairly long therapy relationship between the youth and program.

The system should insure that the individual's needs are advocated. Interventions must be made with police, school, employers and family to work out agreeable and supportive relationships. Liaison with courts and police should be continuously maintained.

DEVELOP PROPER PLACEMENT AND TREATMENT PLANS

Case management is an important tool for meeting the control needs of police and courts. Yet, the degree of control exercised over individual offenders should not, as commonly believed, depend on how far the youth has penetrated the justice system. The intensity of services rendered should be determined by a formal diagnostic decision.

Diagnosis is essentially information gathered about the youth drawn from clinical interviews, testing, home visits, behavioral history, and other records from schools, social service agencies, etc.

Based on this information, the caseworker should assemble options for placement of the youth. Placement may be residential or preferably nonresidential. It should be as nonstigmatizing as possible and enhance the individual's survival abilities.

Cost of placement must also be considered. Budgets are limited, yet inappropriate placements should not be made for financial reasons. "Bouncing" a youth

for monetary, nonclinical reasons from a more expensive to a less expensive type of care (e.g., from residential to nonresidential or from group care to foster care) should be avoided. Criteria for placement and treatment modality should be geared to the identified needs of each youth.

The youth's participation in the placement process is vital for programmatic and legal reasons. Youth should be actively involved in life-affecting decisions. It builds the individuals' sense of responsibility for his own life and enchances prospects for independence. Legally, the youth's participation must be voluntary and they must be fully apprised of any stipulation or conditions on placement.

INSURE PROPER TRACKING LEADING TO ULTIMATE TERMINATION

After placement, the youth should be tracked to insure that services are being provided and that the services rendered are needed. Cases should be periodically reviewed in light of new or changing conditions. The model is one of periodic advancement to less restrictive and more practically oriented programs. An example of this progression might move the youth from a group home to nonresidential placement with tracking to vocational education to on-the-job training and finally termination and independence. The decisions on modification and eventual termination should be timely. Follow-up should be conducted to evaluate long term results.

NOSR TECHNICAL ASSISTANCE SERIES

REMOVING YOUTH FROM THE JUVENILE JUSTICE SYSTEM COMPONENT

Projects must address a series of tasks which remove youth from the juvenile justice system and prevents new entries. The "system" is conceptualized as a pervasive set of laws, policies, and practices which transcend specific facilities and the immediate operations of police and courts. Besides the diversion of specified groups of youth, consideration must also be given the population that remains within the system. Seven groups of activities are considered below:

- assessment;
- preparing definitions and procedures for removal;
- identifying and removing eligible youth;
- preventing new entries into juvenile justice systems;
- personnel considerations;
- remaining population; and
- monitoring removal.

ASSESSMENT

This series of activities is elaborated above as part of the overall guidance function. Grantees must describe characteristics of youth processed, count youth who reside at various points of the system, and precisely describe rules and practices by which they are currently handled. This investigation will

yield an operational definition of the target population and quantify the population. Projects must also select specific targets for change and identify constraints on changes.

PREPARING DEFINITIONS AND PROCEDURES FOR REMOVAL

Projects must prepare legal and diagnostic definitions of the eligible population. The definitions should focus attention on those youth at greatest risk of further penetration of juvenile justice system - especially those who would benefit from alternative programs as opposed to services offered within the juvenile justice system. No group of offenders are automatically excluded from eligibility solely on the basis of prior arrest or conviction. Diversion definitions should indicate, however, which youth are less appropriate for diversion because of their danger to the community or danger to themselves. Thus, the definitions should specify the behavior or other characteristics by which it will be decided that a youth will be removed or not.

Procedures for removal should be developed which insure achievement of pre-established objectives and conform with OJJDP purposes. Projects must take into account rules and practices of the justice system to insure that interventions are made at the appropriate time. Similarly, defining points of diversion should take into account the flow of youth through the system after apprehension and before adjudication. The fit between the established system and the project initiatives can reduce confusion and possibilities of youth "falling through the cracks." Adoption of

schedules for removing youth should provide for increase in diversion rates at critical points in the system. The reduction in juvenile court caseload is important in terms of increasing the court's effectiveness and in determining the true impact of diversion. An increase in service program populations is not, by itself, indicative of impact due to the "widening of the nets" effect perceived in other diversion efforts. The eligible youth should be those who otherwise would have been formally adjudicated. Strict criteria should be established to insure that all youth inappropriate for referral to the next stage of the juvenile justice system will be screened or diverted out of the system entirely.

Options for dispositions should be defined. Diversion projects may provide for random assignment of eligible youth to alternatives as required by evaluation designs. The process should also spell out the degree to which juvenile justice system supervision will be maintained for individual youths and groups of youths.

Projects should periodically review definitions and procedures for removal of youth and make appropriate adjustments in light of changing conditions and evaluations of program impact. Initially, a project may exclude certain groups of youth from eligibility because of institutional resistance, community intolerance, or lack of information. Experience may provide insights to how procedures and points of diversion may be refined and focussed. This information and learning should contribute to re-examination of specifications.

IDENTIFYING AND REMOVING ELIGIBLE YOUTH

Projects must identify eligible youth, remove them and make appropriate dispositions. Identification of eligible youth requires research on case files, interviews with police and court personnel, and interviews of youth themselves. Adherence to definitions and guidelines is crucial.

Removing youth should follow the adopted procedures. Additionally, the youth must be apprised of conditions of release, duration, and nature of alternative placements, and degree of continued juvenile justice system supervision (see legal rights below). Accountability for the youth should be formally transferred.

Appropriate disposition may be referral with no follow-up, referral with follow-up, or outright release. The disposition will depend upon a combination of diagnostic and programmatic factors and requirements of evaluation designs. Details attendant to these chores are discussed in Section 4, Case Management (above).

PREVENTING NEW ENTRIES INTO THE JUVENILE JUSTICE SYSTEM

Legal and administrative definitions and procedures must be developed and implemented to prevent new entries into the juvenile justice system. This activity parallels the removal of youth and deals with many of the same considerations. Behavioral or other characteristics for determining blocking entry must

be specified. The entry points must be identified and interceptive procedures established. Criteria should be established for youth who will be screened out of the system entirely.

A vital factor in blocking new entries into the system is the ability of grantees to provide shelter and receiving homes and other short-term residences. This especially affects runaways and other "difficult" offenders. The preferred option is to send the youth back to his home. As this will be impossible in some cases, short-term residential options will be necessary. The danger, of course, is that this intervention will become an insidious means of detaining youth with its attendant stigma and trauma.

Any shelter care facility should be of limited service. While small institutions are preferable to large ones, the ideal world would have none. Bed space is expensive and costs money whether or not the bed is occupied. And the system is expensive - if the beds are available there will be a tendency to use them and consequently create an illusory demand for more beds. Planning administration for detention facilities should consider that the flow of youth will fluctuate creating differential demands on bed space. In a sense, the facility must act like an emergency ward - accepting those who need help and moving them in and out of the center in minimal time. Standards should be established for short-term care. Placements should occur within ten days.

PERSONNEL

Juvenile Justice Service personnel should be trained and retrained to execute the changes and to maintain the changed situtation.

Police and court personnel must make appropriate decisions. They must become familiar with criteria for diversion and make prompt and appropriate decisions. Too, they must become supportive of the project initiatives. This is vital because front-line personnel are the most visible embodiment of institutional maintenance forces which can thwart success. Specific and highly detailed criteria may protect against undercutting maintenance, but the best protection is to win the personnel to the side of change. Monitoring and case review should also serve to identify points in the system where additional training may be necessary.

Projects should take advantage of any programs which permit personnel to "transfer" from governmental agencies to private nonprofit providers for short durations. Enlisting experienced state personnel in the start-up phases of service delivery will speed evaluation of quality services. Systems personnel can also be retrained to assist in various stages of the planning and assessment functions.

REMAINING POPULATION

Juvenile justice system programs must be modified to provide appropriate handling of youth who remain

within its jurisdiction. The removal of a large segment of the juvenile population provides probation, detention and corrections personnel opportunities to develop new services and treatment approaches to the serious offenders who remain. In matching needs with available services, gaps can be identified and programs developed to meet those needs. Particular attention should be given to programs which enhance the offenders learning abilities and vocational opportunities. Whenever possible, provision should be made for institutionalized offenders to interact with the noninstitutional world. The model should be one of gradual exposure and rehabilitation, an approach which will necessitate modification of existing procedures.

EVALUATION

Procedures must be established to count, report and evaluate the removal of youth from the juvenile justice system. This activity is vital for the accurate evaluation of the overall initiative, accountability of each youth, and the timely modification of program components. This activity complements the monitoring and reconstructing cycle discussed in the service system.

LEGAL RIGHTS COMPONENT

Rights of youth must be protected throughout their participation in diversion processes. Screening referral and service delivery are all potential occasions for capricious labeling and violations - unless

safeguards are provided and assiduously enforced. Any intervention by "authorities" may have far-reaching consequences in the life of that person. Priority consideration must be given to the individual's self-definition of needs as determined in counsel with disinterested legal and nonlegal representatives (lawyers, family, guardians, or child advocates).

MINIMUM DUE PROCESS PROCEDURES

According to the oft-quoted phrase, the appearance of justice is as important as reaching just results. Thus, grantees must provide a clear set of procedures which facilitate the fairest consideration of facts. Procedural rights are indispensable when voluntariness is abrogated. At a minimum, the procedures should include components of legal due process which are guaranteed by the Constitution and bolstered by statutes and recent case law which have extended minimum rights to juveniles. The relevant components of due process include:

- providing notice of proposed actions to be taken. Candidates for removal from the JJS must be fully informed of the nature of the length of time of required participation in that program, of the manner in which the alternative program will determine failure or success, and of any negative consequences which might befall the candidate from failure in, or failure to complete the program. The

youth's decision to participate or not must be informed and involuntary;

- protecting the privilege against self incrimination;

- guaranteeing that admission of guilt or culpability is not required as a precondition of diversion;

- guaranteeing appropriate legal advocacy on behalf of individuals. In situations where possibility of infringement is greatest, legal representation, including appointment of counsel in cases of indigency, should be assured. Youth must be able to invoke their substantive rights as well; and

- providing opportunity for formal and informal hearings before actions are taken against a person. The opportunity to contest decisions should be afforded at all points in the system - before diversion to service programs, before involuntary termination from programs and when termination of controls on individuals is unfairly delayed or protracted.

EXPANDING NOTIONS OF FAIRNESS

These procedural rights serve as only minimal guarantees. Grantees should work to expand due process guarantees based on moral principles of fairness and respect for youth rights. The question that each project must address is what is fair and reasonable - the minimum standard for all rules and procedures that are established. Each phase of project operation must be scrutinized, particularly:

- providing for appropriate termination procedures where youth who have been removed from the JJS are to be returned to its jurisdiction from the alternative program;

- providing appropriate guidelines for reinstitution of charges or dispositions; and

- determining under what conditions participation in a program may be mandatory, and under what conditions there may be any negative consequences if a youth decides no longer to participate in a program.

IMPLEMENTING DUE PROCESS

Rights without enforcement, however, are meaningless. Practical implementation strategies must be developed. Resistance on the part of personnel may hamper incorporation of due process procedures into the sys-

tem. In part, this resistance may be monitored by formal reporting requirements on decisions that are made concerning individual dispositions. Resistance may be overcome by involving the affected functionaries in defining expanded notions of fairness. Training sessions emphasizing the fundamental need to protect constitutional and moral rights may also facilitate implementation.

The best protection is informed youth. Projects should make available booklets, kits and other materials that outline procedures to be followed in exercising their rights. Programs serving youth should publicize rights given individuals by posting them in prominent places. Parents should also be informed of their children's rights to request hearings and initiate available procedures.

A broader level of effort is also required. Projects should provide appropriate advocacy on behalf of classes of youth. Courses on legal rights should be introduced into school curricula. At grantee instigation, local organizations can take the lead in educating their constituencies and supporting youth advocacy efforts.

PERVASIVE COMMUNITY CHANGE COMPONENT

The task confronting projects transcends the red tape of bureaucracy and the grey walls of institutions. The institutionalization of the anticipated improvements requires pervasive changes in communities which confirm, complement and preserve the diversion and

deinstitutionalization initiatives. This overarching task embraces three broad areas:

- to increase community tolerance and understanding of contemporary youth behavior;

- to increase community and agency support for the direction of the initiative; and

- to catalyze changes in social institutions which directly impact youth, families and the juvenile justice system.

Projects should engage in several activities to achieve these results - community education, involvement of key decision makers, formation of alliances with other community organizations, and targeting on specific changes.

EDUCATING THE COMMUNITY

Increasing community tolerance and understanding of youth requires a comprehensive strategy for projecting the project's message. Many devices can be used, but a few guides are provided here.

- Projects should develop clear and concise presentations of the goals and rationale of their efforts. The average school administrator or business person should understand that

something positive and more effective that past practices is being done. Benefits should be emphasized - especially those that mean something to people, like money saved and safer streets.

- Media should be exploited. Too often, important messages are shelved in thick volumes of yellowing paper. Grantees should use the media that reach people. Sympathetic television journalists should be identified and news bits and station editorials developed. Specials should be planned and executed. Similarly, print media (newspapers, brochures, magazines) should be utilized.

- Let the youth talk for themselves. The strongest impact on the public comes when a youth can give an articulate testimonial of what diversion has meant. Community organizations often seek interesting speakers for dinner or lunch meetings. Television talk shows can get the message out. In some communities, youth can produce their own shows on cable television's public access channels.

INVOLVING KEY DECISIONS-MAKERS

Gathering community and agency support requires the involvement of influential community decision-makers.

In terms of long-term institutional change, it is essential to involve those people who determine general youth policy for the jurisdiction. Their first hand experience with the success and (indeed) the failures of diversion projects will enhance the possibilities of projects experiences providing important input into these policy formulations.

The involvement of these people will begin to develop a political constituency for the diversion efforts that is vital if the projects are to "weather the storms" of institutional changes. The representatives of concerned state, local and private agencies can provide visible, articulate and powerful support for a project that may be perceived as radical or initially unsuccessful.

And, as discussed under guidance, the project must insure continuation funding after the grant period. They must use their LEAA funding to leverage additional re sources out of existing dollars spent on youth. Without the commitment and involvement of the people who "sit" on those budgets, prospects for redirecting additional funds for this effort are minimal. As part of the process of identifying monies currently spent on youth (see Guidance), the grantees should identify influential decision-makers to serve on some kind of task force or advisory group. Agencies which should be represented include:

- LEAA State Planning Agency;
- Welfare Department;
- State or Local youth authority;
- Courts;

- Probation Department;
- Other social agencies (e.g., CETA, Department of Education)
- Private social service agencies;
- Local foundations; and
- Youth.

This task force or advisory group should play a meaningful and significant role. It should not be simply window dressing. Regular meetings which decide program policy should be convened by projects.

GAINING ALLIES

Projects cannot undertake community change alone. They must enlist the assistance of organizations that can support and publicize the initiatives and carry out related facets of work. A possibility might be the Advisory Groups on Juvenile Justice and Delinquency Prevention created in state planning agencies by the OJJDP Act of 1974. While these groups do not have policy making authority, they do have input into state planning and include a broad cross section of citizens including youth. Legal rights organziations and youth advocacy groups are already pursuing policy changes and, with grantee coordination, can articulate complementary policies.

Finally, grantees can instigate formation of special organizations. Concerned business people can be convened, apprised of barriers to youth and offender employment and directed to work with their peers to remedy the situation. Similarly, school personnel

and recreational administrators can be brought together under the aegis of the projects.

VOLUNTEERS

Projects can also organize efforts of community volunteers. Volunteers working in cooperation with professionals can provide an important link for youth with the community and provide an informal voice to educate the community and improve community tolerance. Volunteers may provide one-to-one relationships, work with parents, provide tutoring and recreational activities, and assist in employment and job placement.

SELECTING SPECIFIC TARGETS FOR CHANGE

Community change requires modifying the procedures, statutes, regulations, practices and ad hoc operation of schools, employment, social services, and public programs which affect families and impinge upon the juvenile justice system. The task is mammoth and, realistically, projects will have to single out the priority changes to be made.

The first step is to identify precisely those points in the community that act as barriers and constraints to the ultimate success of community change.

If possible, programs should conduct a community profile prior to initiation of activities. Information from the profile enables the project staff to determine how the community has approached youth needs in

the past and what barriers one might expect to face in developing a sound program for the future. A community profile should address the composition and geographic distribution of its citizenry, its private sector and technical support resources, its youth serving organizations, its statutory agencies, its media network and accessability, its government and politics, and other relevant accidents of its historical and cultural development. Following is a list of action steps NOSR has used in compiling a community profile for planning youth work experience programs under CETA legislation. A similar procedure can be used for communities initiating diversion programs.

ACTION STEPS IN COMPILING THE COMMUNITY PROFILE

- Determine whether there is a technical data base concerning the needs of young people.

- Identify the components, structure, and level of organization and integration of the community's youth service delivery system.

- Gather information regarding the local criminal justice system as it pertains to young people including:

  - intake and referral statistics,
  - police arrests,

  - juvenile crime rates, particularly status offenders,
  - specific court related data.

- Determine the community's interest in organizing and mobilizing for change around the issue of youth development by surveying:

  - key youth leadership,
  - key public and private sector leadership,
  - key neighborhood leadership,
  - local community organizations.

- Compile a description of any integrated community overview mechanisms such as United Way, ABAG, and various community coalitions that could link the youth, private, and public sectors together for:

  - planning,
  - funding,
  - delivery of services.

- Locate and describe what private sector business, labor, and community resources can be mobilized to assist young people.

- Examine general economic conditions and indicators such as:

  - labor market analyses,

- labor force characteristics,
- target area unemployment statistics,
- youth job opportunities.

- Examine and research media and media access policies.

Much of this information must be developed for other project components. Completing the profile requires focussing on employment, education, and gauging community receptivity.

The second step is to select the priority areas of concern and devising strategies to address them. Here, the development of allies and conducting of community education efforts will prove useful.

STATUTES AND REGULATIONS

The objective here is to make legislative changes. The steps include:

- research, drawing information from outside sources;
- legal drafting or model code development;
- advocating and lobbying for proposed changes;
- monitoring enforcement; and
- evaluating and publicizing results.

AD HOC PROCEDURES AND ADMINISTRATIVE REQUIREMENTS:

- gather research and data;
- build case for change;
- identify significant policy makers;
- influence and advocate changes;
- monitor impact of changes; and
- feedback and publicize.

ATTITUDES:

- foster participation in programs;
- utilize training experimental learning;
- involve youth in positive, visible and responsible community functions; and
- advertise successes.

NOSR TECHNICAL ASSISTANCE SERIES

DIVERSION EVALUATION

The most powerful design for an evaluation of a diversion project is an experimental design. Such evaluations cannot be implemented on all diversion projects. We hope to be able to implement it on at least five of OJJDP's Special Emphasis Diversion Projects where we can achieve random assignment to experimental and control groups, or to one of the three options which come out of assignment to diversion, or not to diversion, and then, if to diversion, to treatment or no treatment. The experimental design allows us to look at three groups across time, to see what kind of impact the assignment to a diversion group or to traditional processing has, and secondly, if you are in a diversion group, what impact having treatment or not having treatment might have. Looking at this design, the traditional control group is probably conceived of as the group that has been diverted but without services. The basic initial comparision will be between those youth processed traditionally in the justice system and those receiving services in a diversion project. At intake, we will take initial

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*This is an edited transcription of a video tape. The three topics discussed are presented by Drs. Delbert Elliott, Frank Dunford, and Larry Severy in turn.

measures on all groups. Those receiving traditional processing and those being diverted to services will receive some type of service or treatment. Six months later, we will reinterview all groups; twelve months later we will reinterview all groups. The six month post-lag, that is, the follow-up interview at six months, with these youths will allow us to look at the immediate impact of this treatment. The longer range follow-up looks at the longer range effect of that treatment after most youth have been out of the program for a period of from four to six months. The value of this particular design is that the assignment to one of these three groups is done by random processes and the requirement for being an impact site on this national evaluation is that you be able to obtain random assignment processes which will allow us then to utilize this design. It is the most powerful impact design that we could incorporate.

Looking now at the randomization processes, projects will differ with respect to whether they accomplish both a first and second stage randomization, or whether they achieve only a first stage randomization. Given a particular point in the justice system, it could be a police unit, it could be a state's attorney's office, it could be a probation intake, but wherever that point of diversion is, there is a decision made, either to process the individual through traditional processing modes, or to divert to the diversion project. That decision for a selected pool will be made randomly. Once an individual arrives at the diversion project, there is a second decision to either provide that individual

with services or with no services. Some projects have both stages of random assignment present, other projects have only one or the other. But in either case, we will have to have some random assignment in order to do the evaluation.

The first set of hypotheses concern those youth that were diverted to the project compared to those who were processed in a traditional mode. For those who were processed traditionally, we are primarily interested in seeing whether that is associated with stigma. We will be comparing youth in those two outcomes on perceived negative labeling and social isolation from conventional kinds of social roles. The second set of hypotheses will concern two groups diverted to treatment or no treatment. Here we are getting at the effective treatment. Did it make any difference whether this particular youth received treatment or did not receive treatment? A third set of hypotheses will relate to whether it makes any difference if the treatment was received in the community or in the juvenile justice system? So there are three sets of comparisons working in the evaluation, comparing those diverted with those that are not diverted, primarily looking at the effects of stigma; looking at those treated compared to those not treated in which we are looking to see whether kids' attitudes and commitments to social order changes, whether their level of integration into the community and nonconventional social groups changes, and whether they are self-reported delinquency or official contact rates are related to being in or out of a treatment group. The same set of comparisons will be made for those treated within and out-

side of the justice system. Those are the three kinds of hypotheses that we will be examining.

Finally, the list of variables that are involved in this evaluation can be summarized as follows: we will be interviewing youth three times - once they come into the project, six months later, and again twelve months later. The first set of variables are what we call social integration bonds and we will develop measures of occupancy into conventional social roles: the perceive importance of involvement or occupancy in that role; a level of involvement in that social role, and that is primarily a time-dimension, that is, how much time do you spend with that particular group or in that kind of social activity; and finally, the perceived influence an individual has for that group upon his own personal behavior. Then there is a set of experiences which deal with positive and negative labeling that an individual perceives in school, at home, or at work; success or failure experiences in any of those contexts; family crisis, divorce, death, changing residence from one community to another or one neighborhood to another and measures of social disorganization; such as unemployment, and other things which impact strongly upon the family and upon the kinds of activities and social roles that a youth in that family has access to. Then comes a set of personal commitment variables. Here, we will look at three kinds of variables. Personal attachment to the normative order, that is, the extent to which the individual has internalized conventional norms - attitudes towards deviants, looking specifically at the kind of attitude the individual has toward deviant behavior. Personal aspirations

which tie an individual into conventional kinds of social activities, in education and a job and other similar issues will be examined. We will be looking at negative peer group structures to see whether the individual has exposure primarily to conforming or to delinquent peers and measuring his level of commitment to that group, whether it is delinquent or nondelinquent and a measure of perceived influence of that group upon his own behavior will be taken. Then, our final criteria will measure delinquent behavior both in terms of self-reported behavior and official police arrests or police contacts. The impact analysis involves looking for changes when applying all of those variables as a consequence of the program and the form of treatment that is being provided youth. We are looking primarily at stigma associated with being treated inside or outside of the system and we are looking at changes in all of those variables thought to be associated with treatment within the diversion program.

IMPACT ON THE JUVENILE JUSTICE SYSTEM

The purpose of the impact on the juvenile justice system evaluation is to assess the effect that diversion programs actually have on the juvenile justice system itself, to try to determine whether diversion is operationalized as an alternative to screening or really an alternative to penetration into the justice system. We propose to accomplish an analysis of the impact of the OJJDP's Diversion Projects on the justice system by completing a flow analysis, by conducting a return-rate or recidivism analysis and

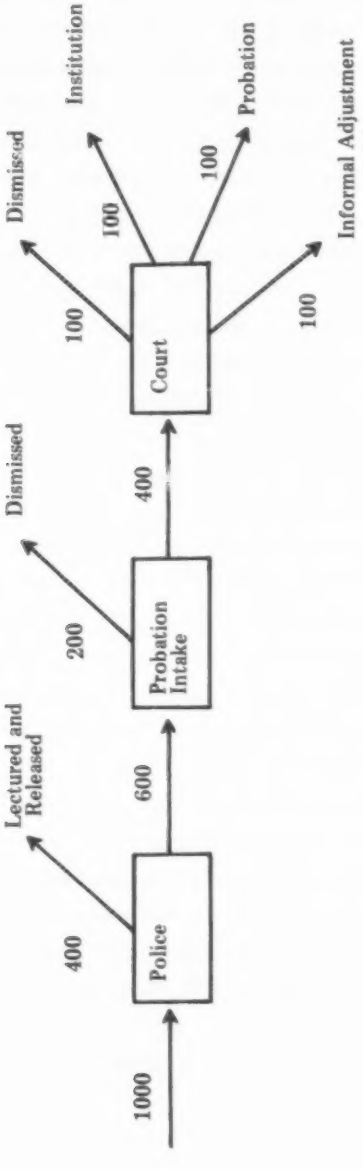
finally, to look at the costs associated with alternative justice procedures and diversion procedures.

The flow analysis will help us determine the rates at which youngsters penetrate the system at the various points in the juvenile justice system, that is, the rate in which youngsters, over time, come in and out of the police department and into a juvenile court intake, or a district attorney's office, or even appear at a court hearing of some type. It will also help us determine what the maintenance rates are for those youngsters that penetrate the system to see if those change after a diversion project has been developed. It will allow us to compare the absolute number of adjudications over that time to see if the number of youngsters actually adjudicated delinquent is any different than the number before the development of diversion programs.

I've sketched out the results of two flow analyses, analyses representative of a system before and after the implementation of the diversion effort. These aren't real figures, but they will illustrate the points I would like to make. (See following charts) This first sketch represents a flow of youth through three parts or three points in a juvenile justice sytem over a year's period. To begin with, we have a thousand youngsters who are arrested by the police. Of those thousand youth, four hundred are lectured and released by the police - released to their parents or sent home. The other six hundred penetrate the system in that they were referred to a probation intake of D.A.'s office, or some other penetration point in the system (that varies by system).

Of the six hundred who go to probation intake in this city, two hundred were dismissed; four hundred were referred on to juvenile court intake; and to simplify things in the diagrams, we didn't go through the processes that occurred in juvenile court intake and indicate what the referrals were from there or the adjudication resulting from the juvenile court procedures--one hundred were dismissed in this instance, one hundred were institutionalized, another hundred were sent on to probation and another hundred went through some kind of informal adjustment. This type of analysis tells us several things. First of all, it tells us that the probability of 1,000 divided into 600 which provides what we call a penetration rate. It tells us that the probability of going from probation intake on into juvenile court is 40% and that once you have been through the court procedures, the probability of being institutionalized or placed on probation, each are about at 10% or .10 probability rate. This system also allows us to compare information of this nature which was taken prior to the beginning of the diversion project and compare it with the same kind of information obtained after the implementation of the diversion program.

The second table represents the same city we just looked at one year after implementation of diversion projects. Here, we see 1,000 youngsters penetrating the system as before. Of that number, four hundred were lectured and released, two hundred were now sent to a diversion project, so they were exited from the system, four hundred went on to a probation intake, of that number, one hundred were dismissed,


1000
Police
400
Lectured and Released
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Probation Intake
200
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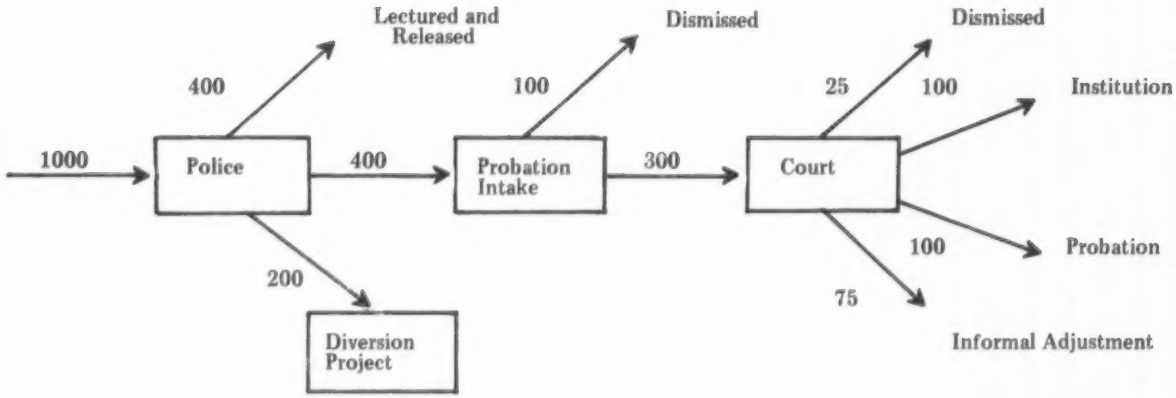
Lectured and Released
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Court
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Probation
200
75
Diversion Project
Informal Adjustment

three hundred were sent to a juvenile court, twenty five were dismissed at the juvenile court, and one hundred were institutionalized, a hundred were sent to probation, and seventy-five were placed under informal adjustment. In comparison between the pre-diversion programming, the probability of penetrating the system was 60%. However, after implementation of the diversion program, that was reduced to 40% and that is directly the result of the two hundred youth that were diverted from the system. So, for this example, we would suggest that diversion, true diversion, was really taking place. That is, diversion is taking place as an alternative to penetration rather than alternative to screening practices. If we follow those same youth through the system the second year, we notice that there is a reduction again from probation intake into the juvenile court. That is, over our first year, the probability of going into juvenile court from a probation intake was .4, that was reduced 10% to .3.

Another interesting piece of information that we get from this kind of analysis is the maintenance rates. If you turn the transition probabilities around, you can determine what the probability is that a youngster will be maintained in the system at any point. If you look at the number of youth placed on probation and those informally adjusted over the two time periods, you see that although the penetration rates actually went down and maintenance rates went down for the first two spots in the juvenile justice system that we are examining, that is, police and probation at juvenile court, the maintenance rates stay the same. The same number of kids were insti-

tutionalized. The same number of kids were informally adjudicated. The number of dismissed cases decreased. The explanation for this is problematical. We think two things have happened. We think that, number one, the cream puffs were skimmed out of the system before they ever got into the juvenile court procedure, therefore, harder cases were left in the system and as such, the probabilities of them being institutionalized or placed on probation, rather than being dismissed, increases. And second, the justice system, as do all systems, strains to maintain itself. In other words, if one wants to maintain his present budget size, one must justify that and that is commonly done in the juvenile justice system by pointing to the number of kids that are treated.

The flow analysis with each of its attending analyses, penetration, maintenance and adjudication can all be reviewed controlling for age, sex, ethnicity, and the presenting offense that got the youngster into trouble. By doing this, you are able to determine, for example, if young women penetrate the system at a different rate than do the young men, if blacks penetrate at a different rate than do whites. The flow analysis thus allows for an assessment for change over time, in terms of penetration, maintenance rates, as well as adjudication rates. It also allows for the identification of places in the system where the impact of diversion is not felt as was indicated in the lack of change in institutionalization and probation assignments in the example.

The second point that we'd like to cover in our impact on the system analysis is, the extent to which youngsters in each of the three options that we are following return to the system. So we will do a recidivism rate analysis. This is the traditional justice outcome measure. In this procedure, we will compare the return rates for youngsters who penetrate the system to those who were diverted for services and to those who were diverted for no services. There are essentially two classes of return-rates that we will look at. One is what we call a simple recidivism rate and this is where youngsters are dichotomized, those who return to the system, who recidivated, and those who did not. The second is a multiple recidivism analysis in which you look for seriousness of the offense so you dichotomize or trichotomize youngsters at different levels of seriousness as they return to the system. There is some evidence that suggests that the more serious the offense that the youngster's involved in, the greater probability of returning to the system and the more likely they are to be returned at a different rate than youngsters in the less serious offense group.

A final analysis will include a cost analysis from which we will try to identify the costs associated with either diversion for services, diversion for no services, and penetration into the system to see if there are differences in cost-savings associated with those three dispositions.

PROCESS ANALYSIS

Clearly, if one wanted to replicate the successful

programs and avoid replicating the programs which were not successful, you'd want a complete description of the characteristics of the successful programs and of the characteristics of the not so successful programs so as to help in your programming and your planning. In essence, the process analysis is designed then to link very carefully to the impact on system and impact on youth analyses. It is our hope that this linkage will help those in programming identify the good aspects of their programs.

In general, the process analysis involves three different components: first, a description of the general system, a service description, and inter-agency relations. We will be collecting information in a variety of fashions. The first general system overview will depend on data collected via interviews with individuals providing services with project personnel, with justice system individuals, and with the client population. The service description will depend upon interview information collected both by or from providers as well as from those recipients of services. The inter-agency relations components of the evaluation will depend upon interviews with people throughout the system.

There are a number of components to the system when one speaks of diversion. First, there is the project itself that has received, in this case, the funding from OJJDP. That project may have a different history than projects in other sites. It may have different goals, different intervention strategies. It probably has different organizational structures and staffs with different backgrounds, prior experiences and qualifications as regards diversion.

Secondly, the juvenile justice system itself varies from site to site. This depends and reflects different state statutes, different local customs, etc. Consequently, we will be trying to describe, as completely as possible, the structure of the juvenile justice system at each site - the internal processing practices and procedures, if you will, the system flow. When we described the flow analysis, you'll note that we mentioned that in different sites, the flow or stages may carry different titles. There may be a different number of stages at different sites.

A third component in this system is the brokering agency. Many projects are going to be acting as a clearinghouse and not delivering all of the services themselves. In fact, they will be brokering out to different programs such as work programs, survival wilderness training, theater groups, counseling, etc. We will be looking at the relationship of those brokering agencies to the diversion project, the types of services provided, and the way in which referral is made to these various brokering agencies.

The last component in the general system overview is that of the client population. First, for any brokering agency, what proportion of youngsters in that program come from the justice system. We are interested in the referral sources, the distribution, the flow, characteristics of the clients, the seriousness of the presenting offense. We are interested in the prior police records, we are interested in the age, sex, ethnicity, socio-economic status etc. of the clients.

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Let me now turn to the second component in the process analysis, as a description of the service itself. We are first interested in the content of the service. What actually happened? What did the youth perceive, experience as they were processed through the system? We are interested in the types of service. We are interested in the relation of the type of the service to the objective or strategy. We are interested in the use, the delivery of services. In other words, did some youngsters receive a variety of services or only one kind of service. Did they receive services frequently or infrequently? What was the duration of those services. Was it a crisis intervention model or was it a long-term model? We have hypotheses that derive from a theory as regards the type of service, building internal or external bonds, the amount of time, the amount of stigma that may be holding one youngster in services.

A second piece of information that we are very concerned with has to do with the perceptions both on the part of the provider and the client. As regard to the provider's perceptions, we are interested in that provider's orientation to what he or she might be doing for youth. They view their role as one of treatment, teaching, learning, an enriching experience, or rather punishment. This is a bad kid, he did something wrong, we should do something to remind the youngster of that. Or, is it one of custody of holding that youngster, if you will, in a pattern for a period of time. We are interested in labeling effects of the experience. Does the provider feel that they are reminding the youngster that he's done something bad or there is something sick with them.

We have hypotheses that derive from the theory regarding these different types of orientation.

Lastly, and this reflects the different relationship that the service agencies have with the justice system, to what extent does the provider feel that the services then rendered, are coercive. Are they voluntary? Does the youngster have a real opportunity to make his or her own commitment to the program or is it the only thing that is possible?

The third component of this service description will involve interviews with a small number of youth who have gone through the diversion projects of each site. The interviews will solicit their image of those same things we ask of the service providers. Does a youngster perceive a treatment or a custody orientation on the part of the diversion project? Did the youngster perceive that he was coerced or was it voluntary? We are interested in having the youngsters actually describe the type of service that he or she received, the way in which that service was delivered, if there was perceived negative labeling, and stigma associated with the whole experience.

Lastly, we are very concerned with inter-agency relations. There are four different components of a diversion system: the project, the juvenile justice system, brokering agencies, and a client population. We are interested in the trust, the interdependence, the cooperation that is established; the satisfaction that both receiver and provider have regarding referrals; and the confidence that they have. We are interested also in the pattern of client exchange.

Consequently, the total effort for the process analysis is an attempt to describe as precisely as possible, what happened, both as perceived by the youth and as described by individuals in the justice system, the project itself, and the deliverer of the services. It is our hope that this careful delineation of the characteristics of the program will allow for a linkage to the outcomes described by the other evaluation components.

*U.S. GOVERNMENT PRINTING OFFICE : 1980 0-311-370/1442

U.S. Department of Justice
Law Enforcement Assistance Administration
Office of Juvenile Justice and Delinquency Prevention

633 Indiana Avenue, NW
Washington, D.C. 20531

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